

SECOND REGULAR SESSION

SENATE BILL NO. 864

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 6, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5462S.01I

AN ACT

To repeal section 338.200, RSMo, and to enact in lieu thereof one new section relating to the dispensing of an emergency supply of medication.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 338.200, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 338.200, to read as follows:

338.200. 1. In the event a pharmacist is unable to obtain refill
2 authorization from the prescriber due to death, incapacity, or when the
3 pharmacist is unable to obtain refill authorization from the prescriber, a
4 pharmacist may dispense an emergency supply of medication if:

5 (1) In the pharmacist's professional judgment, interruption of therapy
6 might reasonably produce undesirable health consequences;

7 (2) The pharmacy previously dispensed or refilled a prescription from the
8 applicable prescriber for the same patient and medication;

9 (3) The medication dispensed is not a controlled substance;

10 (4) The pharmacist informs the patient or the patient's agent either
11 verbally, electronically, or in writing at the time of dispensing that authorization
12 of a prescriber is required for future refills; and

13 (5) The pharmacist documents the emergency dispensing in the patient's
14 prescription record, as provided by the board by rule.

15 2. (1) If the pharmacist is unable to obtain refill authorization from the
16 prescriber, the amount dispensed shall be limited to the amount determined by
17 the pharmacist within his or her professional judgment as needed for the
18 emergency period, provided the amount dispensed shall not exceed a seven-day
19 supply.

20 (2) In the event of prescriber death or incapacity or inability of the

21 prescriber to provide medical services, the amount dispensed shall not exceed a
22 thirty-day supply.

23 3. Pharmacists or permit holders dispensing an emergency supply
24 pursuant to this section shall promptly notify the prescriber or the prescriber's
25 office of the emergency dispensing, as required by the board by rule.

26 4. An emergency supply may not be dispensed pursuant to this section if
27 the pharmacist has knowledge that the prescriber has otherwise prohibited or
28 restricted emergency dispensing for the applicable patient.

29 5. **The determination to dispense an emergency supply of**
30 **medication under this section shall only be made by a pharmacist**
31 **licensed by the board.**

32 6. The board shall promulgate rules to implement the provisions of this
33 section. Any rule or portion of a rule, as that term is defined in section 536.010,
34 that is created under the authority delegated in this section shall become effective
35 only if it complies with and is subject to all of the provisions of chapter 536 and,
36 if applicable, section 536.028. This section and chapter 536 are nonseverable and
37 if any of the powers vested with the general assembly pursuant to chapter 536 to
38 review, to delay the effective date, or to disapprove and annul a rule are
39 subsequently held unconstitutional, then the grant of rulemaking authority and
40 any rule proposed or adopted after August 28, 2013, shall be invalid and void.

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